

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAHIKO KATO

Appeal No. 2003-0460
Application No. 09/783,428

HEARD: OCTOBER 22, 2003

Before COHEN, McQUADE, and NASE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 7, all of the claims in the application.

Appellant's invention pertains to a fuel supply system for supplying fuel to a direct injected outboard motor. A basic understanding of the invention can be derived from a reading of exemplary claim 1, a copy of which appears in the APPENDIX to the main brief (Paper No. 8).

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As evidence of obviousness, the examiner has applied the documents listed below:

Ozawa	5,197,436	Mar. 30, 1993
Kato	5,598,827	Feb. 4, 1997

The following rejection is before us for review.

Claims 1 through 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of Ozawa.

The full text of the examiner's rejection and response to the argument presented by appellant appears in the final rejection and the answer (Paper Nos. 6 and 9), while the complete statement of appellant's argument can be found in the main and reply briefs (Paper Nos. 8 and 10).

OPINION

In reaching our conclusion on the obviousness issue raised in this appeal, this panel of the board has carefully considered

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appellant's specification and claims, the applied teachings,¹ and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

We do not sustain the obviousness rejection of appellant's claims for the reasons given below.

The sole independent claim reads as follows.

1. A fuel supply system for supplying fuel to a direct injected outboard motor having a plurality of vertically spaced cylinders, each of which is supplied with fuel from a respective one of a plurality of vertically spaced fuel injectors, said fuel supply system including a vertically extending fuel rail connected to said fuel injectors for supplying fuel to said injectors, said fuel supply system having both a pressure inlet port and a pressure return port formed at the upper end thereof, said ports being disposed above the uppermost fuel injector served by the fuel rail.

¹ In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

The examiner is of the opinion that the collective teachings of Kato and Ozawa would have been suggestive of the fuel supply system of claim 1. In particular, the examiner determines that it would have been obvious to one having ordinary skill in the art to locate the fuel pump and fuel rails of Kato following the teaching of Ozawa since this compact fuel distribution system was known in the V-type engine art (final rejection, page 2).

While we fully comprehend the examiner's point of view, we conclude that the claimed invention would not have been obvious based upon the evidence before us.

Appellant seeks to solve an air problem present with a known outboard motor incorporating a direct injection system (specification, pages 1 through 3). The outboard motor of Kato appears to be of the aforementioned prior art type, as acknowledged by appellant (main brief, page 3). In seeking to overcome the deficiency of the Kato teaching, vis-a-vis the content of claim 1, the examiner turns to the Ozawa patent. However, like appellant (main brief, page 4), we readily discern that the Ozawa document does not address a fuel supply system for supplying fuel to a direct injected outboard motor, characterized

by vertically spaced cylinders and vertically spaced fuel injectors. Instead, Ozawa relates to a fuel delivery system for what is understood to be a horizontally oriented V-type engine which would not effect the air problem of concern to appellant. In fact, the solution to the problem sought to be solved by Ozawa has to do with insuring that fuel pressure does not vary from cylinder to cylinder and/or from bank to bank so that all cylinders will receive the fuel at the same pressure (column 1, lines 51 through 54). In light of the above differences between the applied references, it is our opinion that the Ozawa disclosure, assessed with the Kato teaching, would not have motivated one having ordinary skill in the art to modify the outboard motor fuel injection system of Kato, as proposed by the examiner. It is for this reason that the obviousness rejection cannot be sustained.

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In summary, this panel of the board has not sustained the obviousness rejection on appeal.

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOHN P. McQUADE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JEFFREY V. NASE)	
Administrative Patent Judge)	

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